

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

Today, I denied the defendant’s motion for reconsideration of the denial of a certificate of appealability. The defendant “must make a substantial showing of the denial of a constitutional right” to obtain such a certificate; that is, “a showing that [the] issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings.” *Garrett v. United States*, 211 F.3d 1075, 1076 (8th Cir. 2000) (citations omitted) (denying a certificate regarding a § 2255 motion for, among other reasons, because the issue raised was clearly foreclosed by a prior decision of Court of Appeals). The entirety of the Memorandum and Order denying the defendant’s § 2255 motion, and particularly “Point 7” thereof, make clear why the certificate should not be issued in this case.

IT IS SO ORDERED.

DATED this 21st day of January, 2016.

BY THE COURT:

s/ *Richard G. Kopf*
Senior United States District Judge